

TITLE 14

PUBLIC UTILITIES

CHAPTER 1

RULES OF PRACTICE

Authority

N.J.S.A. 47:1A-1 et seq., 48:2-12 and 52:27F-18.

Source and Effective Date

R.2008 d.79, effective March 3, 2008.
See: 39 N.J.R. 4551(a), 40 N.J.R. 1917(a).

Chapter Expiration Date

Chapter 1, Rules of Practice, expires on March 3, 2013.

Chapter Historical Note

Chapter 1, Rules of Practice, was adopted and became effective prior to September 1, 1969. Chapter 1, Rules of Practice, expired February 14, 1991.

Chapter 1, Rules of Practice, was adopted as R.1992 d.224, effective June 1, 1992. See: 23 N.J.R. 2487(a), 24 N.J.R. 2063(c).

Pursuant to Executive Order No. 66(1978), Chapter 1, Rules of Practice, was readopted as R.1997 d.264, effective May 28, 1997. See: 29 N.J.R. 1259(b), 29 N.J.R. 2838(a).

Subchapter 11, Public Utility Tariffs, was recodified from N.J.A.C. 14:11-7 by R.1998 d.84, effective February 2, 1998. See: 29 N.J.R. 4250(b), 30 N.J.R. 563(a).

Chapter 1, Rules of Practice, was readopted as R.2002 d.337, effective September 19, 2002. See: 34 N.J.R. 1769(a), 34 N.J.R. 3639(a).

Subchapter 12, Procedures for Determining the Confidentiality of Submitted Information, was adopted as R.2003 d.290, effective July 21, 2003. 34 N.J.R. 2271(b), 35 N.J.R. 3368(b).

Chapter 1, Rules of Practice, was readopted as R.2008 d.79, effective March 3, 2008. As a part of R.2008 d.79, Subchapter 11, Public Utility Tariffs, was repealed, effective April 7, 2008. See: Source and Effective Date. See, also, section annotations.

Law Review and Journal Commentaries

Clearing procedural hurdles at the BPU. R. William Potter, 150 N.J.L.J. 828 (1997).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 14:1-1.1 Scope
- 14:1-1.2 Construction and amendment
- 14:1-1.3 Definitions
- 14:1-1.4 Offices and hours
- 14:1-1.5 Requesting Board action on a complaint
- 14:1-1.6 Communications
- 14:1-1.6A Submittal of comments on rule proposals
- 14:1-1.7 Official records
- 14:1-1.8 Cameras and recording devices

SUBCHAPTER 2. FEES AND CHARGES

- 14:1-2.1 Amount of fees and charges
- 14:1-2.2 Payment of fees and charges

SUBCHAPTER 3. APPEARANCE BEFORE THE BOARD

- 14:1-3.1 Appearances
- 14:1-3.2 Ethical conduct
- 14:1-3.3 Former employees

SUBCHAPTER 4. PLEADINGS

- 14:1-4.1 Pleadings enumerated and defined
- 14:1-4.2 Number of copies
- 14:1-4.3 Attachments to pleadings
- 14:1-4.4 Defective pleadings
- 14:1-4.5 Service and notice of proceedings
- 14:1-4.6 Verification
- 14:1-4.7 Changes in facts or circumstances

SUBCHAPTER 5. PETITIONS

- 14:1-5.1 Form and content
- 14:1-5.2 Applications to other regulatory bodies
- 14:1-5.3 Joinder of requests for relief
- 14:1-5.4 Procedures of Board on filing of petition
- 14:1-5.5 Petitions for approval of franchises or consents
- 14:1-5.6 Petitions for the approval of the sale or lease of property
- 14:1-5.7 Petitions for authority to change depreciation rates
- 14:1-5.8 Petitions for authority to exercise power of eminent domain
- 14:1-5.9 Petitions for authority to issue stocks, bonds, notes, other evidence of indebtedness or to execute mortgages
- 14:1-5.9A Criteria for proposed security issues
- 14:1-5.10 Petitions for authority to transfer capital stock
- 14:1-5.11 Tariff filings which do not propose increases in charges to customers
- 14:1-5.12 Tariff filings or petitions which propose increases in charges to customers
- 14:1-5.12A Changes to levelized energy adjustment clause rates, basic generation service rates, or basic gas supply service pricing rates
- 14:1-5.13 Informal complaint in lieu of petition
- 14:1-5.14 Petitions for approval of a merger, consolidation, acquisition and/or change in control; standard of review
- 14:1-5.15 Petitions for permission to keep books and records outside the State of New Jersey

SUBCHAPTER 6. ANSWERS AND REPLIES

- 14:1-6.1 Form and content
- 14:1-6.2 Time for filing

SUBCHAPTER 7. CONFERENCES

- 14:1-7.1 Purposes
- 14:1-7.2 Initiation of conferences
- 14:1-7.3 Stipulation of conference results
- 14:1-7.4 Authority of Board-designated officers

SUBCHAPTER 8. CONTESTED CASE HEARINGS

- 14:1-8.1 Contested case procedures
- 14:1-8.2 Argument on exceptions
- 14:1-8.3 Review of initial decision by the Board on its own motion
- 14:1-8.4 Method of reopening
- 14:1-8.5 Motions to reopen
- 14:1-8.6 Rehearing, reargument or reconsideration
- 14:1-8.7 Motions and answers on rehearing

SUBCHAPTER 9. UNCONTESTED CASE PROCEEDINGS

- 14:1-9.1 Uncontested case proceedings
- 14:1-9.2 Designation
- 14:1-9.3 Filing
- 14:1-9.4 Cameras and recording devices
- 14:1-9.5 Appearances
- 14:1-9.6 Service

SUBCHAPTER 10. COMPLIANCE WITH ORDERS, DECISIONS AND RECOMMENDATIONS

- 14:1-10.1 Orders and decisions
- 14:1-10.2 Recommendations
- 14:1-10.3 Extension of time limits
- 14:1-10.4 Answers to communications

SUBCHAPTER 11. (RESERVED)

SUBCHAPTER 12. PROCEDURES FOR DETERMINING THE CONFIDENTIALITY OF SUBMITTED INFORMATION

- 14:1-12.1 Scope
- 14:1-12.2 Definitions
- 14:1-12.3 Procedure for making a confidentiality claim
- 14:1-12.4 Designation by claimant of a designee for notices and inquiries
- 14:1-12.5 Correspondence, inquiries and notices
- 14:1-12.6 Time for making confidentiality determinations
- 14:1-12.7 Notice of pending confidentiality determination
- 14:1-12.8 Substantiation of confidentiality
- 14:1-12.9 Final confidentiality determination
- 14:1-12.10 Treatment of information pending confidentiality determination
- 14:1-12.11 Availability of information to the public after determination that information is not confidential
- 14:1-12.12 Disclosure of confidential information to other public agencies
- 14:1-12.13 Disclosure of confidential information to contractors
- 14:1-12.14 Disclosure to alleviate an imminent and substantial danger
- 14:1-12.15 Disclosure by consent
- 14:1-12.16 Incorporation of confidential information into accumulations of data
- 14:1-12.17 Confidentiality agreements
- 14:1-12.18 Payment for copies

SUBCHAPTER 1. GENERAL PROVISIONS

14:1-1.1 Scope

These rules shall govern practice and procedure before the Board of Public Utilities.

Amended by R.1997 d.264, effective July 7, 1997.
See: 29 N.J.R. 1259(b), 29 N.J.R. 2838(a).
Amended Board name.

14:1-1.2 Construction and amendment

(a) These rules shall be liberally construed to permit the Board to effectively carry out its statutory functions and to secure just and expeditious determination of issues properly presented to the Board.

(b) In special cases and for good cause shown, the Board may, unless otherwise specifically stated, relax or permit deviations from these rules.

1. The Board shall, in accordance with the general purposes and intent of its rules, waive section(s) of its rules if full compliance with the rule(s) would adversely affect the ratepayers of a utility or other regulated entity, the ability of said utility or other regulated entity to continue to render safe, adequate and proper service, or the interests of the general public;

2. Any person or entity seeking waiver of any of the Board's rules or parts thereof, shall apply in writing to the Secretary of the Board. A written request for waiver shall include the following:

- i. The specific rule(s) or part(s) thereof for which waiver is requested;
- ii. The reasons for the request of waiver, including a full statement setting forth the type and degree of hardship or inconvenience that would result if full compliance with the rule(s) would be required; and
- iii. Documentation to support the request for waiver.

3. The Board reserves the right to request additional information before reaching a determination regarding the application for waiver.

(c) The rules may be amended by the Board from time to time.

Amended by R.1997 d.264, effective July 7, 1997.

See: 29 N.J.R. 1259(b), 29 N.J.R. 2838(a).

Added (b)1 through 3.

Amended by R.2005 d.424, effective December 5, 2005.

See: 37 N.J.R. 2837(a), 37 N.J.R. 4558(b).

In (b)1, added "or other regulated entity" following "utility" throughout.

Case Notes

Board of Public Utilities failed to adequately articulate basis for waiving bidding regulations. Petition of Hackensack Water Co. to Watershed Property Review Bd., 249 N.J.Super. 164, 592 A.2d 250 (A.D.1991), certification denied 127 N.J. 551, 606 A.2d 364, on remand.

14:1-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Board" means the Board of Public Utilities.

"Commissioner" means a member of the Board of Public Utilities.

"Person" means an individual, firm, joint venture, partnership, copartnership, corporation, association, State, county, municipality, public agency or authority, bi-state or interstate agency or authority, public utility, regulated entity, cable television company, cooperation association, joint stock association, trust, limited liability company, governmental entity, or other legal entity, and includes any trustee, receiver, assignee, or personal representative thereof. A person may or may not be a regulated entity.